

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LAMONTE A. EALY,

Plaintiff,

-vs-

Case No. 14-CV-791

DAVID CLARKE, et al.,

Defendants.

DECISION AND ORDER

The plaintiff has filed an “Addendum Motion” seeking to dismiss David Clarke, Jr., as a defendant and to receive reimbursement for complaint filing fees. (ECF No. 30.)

The plaintiff does not believe defendant Clarke had personal knowledge of the incident alleged in his complaint, so he would like to dismiss him as a defendant. The Court will grant the plaintiff’s request.

In addition, the plaintiff requests “reimbursement of complaint filing fees paid in full amount of \$350.00 on March 18, 2015. Reimbursement for associated cost in this case not limited to postage, copies, writing suppl[ies].” (ECF No. 30 at 2.) On May 15, 2015—the same day the plaintiff filed this motion—the plaintiff sent a letter to the Clerk of Court indicating that he had not received a promised reimbursement for an

overpayment he had inadvertently made when paying the filing fees for case nos. 14-CV-791 and 14-CV-943. (ECF No. 29.)


The Court has consulted with the Clerk's Office, which has indicated that it will send a check to the plaintiff during the week of May 25, 2015, in the amount of \$68.19 to reimburse the plaintiff for his overpayment of the filing fee, which he made in connection with case no. 14-CV-943. The plaintiff has also paid the full filing fee in this case (case no. 14-CV-791); however, there was not an overpayment, so no additional reimbursement is necessary. The Court will not approve reimbursement for postage, copies, or writing supplies, nor will the Court approve reimbursement for the full filing fee, if that is what the plaintiff seeks.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT David Clarke, Jr., **is DISMISSED** as a defendant.

IT IS ALSO ORDERED THAT, the plaintiff's request for reimbursement of the full filing fee, postage, copies and writing supplies is **DENIED**; however, the Clerk's Office will reimburse the plaintiff for the overpayment of the filing fee that he inadvertently made in case no. 14-CV-943.

Dated at Milwaukee, Wisconsin, this 21st day of May, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge